

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MARYLAND

PATRICK A. BYERS, JR.,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

STATE OF INDIANA)
COUNTY OF VIGO) ss.

FILED
LODGED
X ENTERED
RECEIVED

FEB 07 2013

CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

28 USC §2255
Civil Action No.

PETITIONER'S DECLARATION IN
SUPPORT OF PETITION

I, PATRICK A. BYERS, JR., hereby solemnly swear, under penalty of perjury, per 28 USC §1746, that I am of legal age, sound mind, and maintain personal knowledge of the statements made herein, sworn to be true, correct, and stated without intent to mislead, so help me God.

Being duly sworn, I do declare, depose, and say:

1. I am presently incarcerated at FCI-THA, CMU, POB 33, Terre Haute, IN, under USMS No. 43310-037, and if called upon to testify before this Hon. Court, re the contents of this declaration, as well as those of the accompanying 2255 Petition, I shall do so with veracity, swearing to be true, correct, without intent to mislead.
2. I am absolutely innocent of the murders, or any involvement therewith, of Mr. Lackl or Mr. Haynes.
3. I, in the attached 2255 Petition, have provided numerous witnesses that will testify under sworn oath that I did not murder Mr. Lackl or Mr. Haynes.
4. I swear under penalty of perjury that every statement made in the accompanying 2255 Petition is true and factual to the best of my knowledge and understanding.

5. I repeatedly instructed, requested, ordered, etc., my trial counsel, Wm. B. Purpura(WBP), to contact all the witnesses listed in the 2255 Petition, to return their calls, to call them as witnesses at my trial, and otherwise, and WBP kept giving me excuse upon excuse, as to why it wasn't the right time, be patient, etc. Finally, when I was about to jump up and tell the Court, WBP told me that I'd end up in the "bullpen" watching the rest of the trial on video. He told me, relax, just be patient, we'll get them up there, feigning as if he had some strategy.

6. I repeatedly instructed Marc G. Hall(MGH)to contact these same witnesses during the appellate process, and he failed/refused to do so. He finally got tired of our arguing about it and ceased all contact with me.

7. I repeatedly instructed MGH to use ineffective assistance in my appeal, explaining that he didn't call my witnesses, and he might look bad, but I'm serving life in prison, asking him what's more important. He refused to use ineffective assistance and ceased communication with me.

8. I instructed MGH to use the attached Exhibits 1 & 2 in my appeal. He said he would but did not. I never at any time got to review his appellate filings, until it was too late, so no judge ever got to see the actual phone records that prove that numerous witnesses against me committed perjury at trial.

9. I personally gave Detective Jenkins a total of 6 firearms. 1) Mossberg pump shotgun(silver/black); 2)38 Special(black); 3)357 Magnum (Silver/black); 4)38(black); 5)380 Hi Point(black); 6)22 Dillinger; and Reginald McNeil and Terrance Whitworth can testify to witnessing several of these transactions between myself and Detective Jenkins(Jenkins).

10. I and Terrence Whitworth can testify to Whitworth's being approached by Detective Dave who arrested Renardo Robinson, and asked for a gun to make the charges "go away." He(Dave)and Jenkins would let us know when/

where a bust was going to occur, who was informing, and other inside information.

11. I used to meet with Jenkins at our drop off spot behind a McDonald's located in back of Riverneck Rd., in Essex Community. I had a place out there, because it was close to where Jenkins lived, and made our deals easier.

12. I can testify to having a Ms. Toshiba Ross (who has agreed to testify as well to this) place a call to Jenkins for me in the middle of March 2006 for us to meet up at the same above identified McDonald's to see about "why the police wanted to question me." We met, and Jenkins told me it would be okay and we parted. He said he needed "something" for letting me know.

13. Ms. Toshiba Ross was with me on 1-16-2006, the day law enforcement raided a house where Mr. McNeil and Mr. Whitworth were, drug contraband was found there. Ms. Ross called Jenkins from a payphone (located at the shopping center at Sinclare Lane) for us to meet at the same McDonald's to talk about Jenkins not showing at Whitworth's drug hearing.

14. As I recall it was the meeting above described in #12, 3/4/06, but at one of those meetings Jenkins was acting out of character. I asked him if he was okay. He said sure, but he refused the money I had in an envelope for him. Officer Dave was with Jenkins, and I was placed in the back of their car, and driven down Riverneck Rd. to an elementary or middle school. We drove around back, they got out, and told me to. Jenkins pulled me in the direction of the trees while Dave watched out. I believed at the time they meant to kill me. When we stopped, concealed by trees, Jenkins asked me if I'm working with internal affairs. I told Jenkins that I don't even know what that is. He tells me to strip and I do. He sees I have no wire on, and stated "can never be too careful." I dressed, he took the money, we walked back to the car, Jenkins told Dave I was

"clean;" and they dropped me back off at the McDonald's with Ms. Ross.

15. I repeatedly asked, instructed, etc., WBP to raise these issues at trial, MGH on appeal, etc. Each time there was some excuse, reason, or otherwise, why we shouldn't right now. Be patient. Let me speak to the Judge in Chambers. It's not good for you to embarrass the Court with corrupt Cop issues if it can be done in private(i.e. Chambers, etc.). I didn't know any better. I believed WBP, as I thought he was trying to save my life not kill me.

16. Jenkins allegations against me at trial were lies. He perjured himself in an attempt to cover for himself in case I told the truth about him. The gun they're claiming I possessed as a criminal in possession was a firearm I gave to Jenkins as part of our ongoing business arrangement.

17. The officer, badge #F609, SE District that Jenkins and the government say didn't exist is exhibited in the hereon attached Exhibit 3. His name is Kevin D. Witford, and he's on the same docket page with me and my co-defendant, Dominic Butler.

18. I am extremely restricted in my communications, which has made it difficult to get everyone "out there" on the same page, as far as attorney issues, their fees, private investigator issues, etc. I thank the Court for providing me the enlargements of time. I was able to pay the private investigator, and his data, conclusions, findings, etc., are all in the 2255 petition, as he was able to procure testimonies, and assurances of testimonies, upon the granting of an evidenciary hearing by this Court. The 2255 is being temporarily filed Pro se, but I have been assured by the attorney and family that the financial issues will get worked out, Counsel retained, and said counsel should put in an appearance within the next 120 days.

Executed and sworn this ____ day of January, 2013.

County of Vigo, State of Indiana.

by: Patrick A. Byers Jr.
PATRICK A. BYERS, JR.

Witness: Quint E. Hardy, Jr.

Witness: Paul Russell Dean, Jr.